

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re: DEBORAH A. MADERA,)	
)	Civil Action
Debtor)	No. 07-CV-1396
)	
and)	Bankruptcy No. 06-13000
)	
DEBORAH A. MADERA and)	Adversary No. 06-417
MICHAEL MADERA,)	
)	
Plaintiffs -)	
Appellants)	
)	
vs.)	
)	
AMERIQUEST MORTGAGE COMPANY,)	
)	
Defendant -)	
Appellee)	

AMENDED ORDER¹

NOW, this 7th day of May, 2008, upon consideration of the Notice of Appeal filed March 9, 2007 by plaintiffs-appellants Deborah A. Madera and Michael Madera from the February 27, 2007

¹ The within Amended Order of May 7, 2008 and accompanying Amended Opinion amend the original Order dated March 26, 2008 and filed March 27, 2008 and accompanying Opinion. The amendments correct certain typographical and grammatical errors, which do not change or affect the substance of the original Order and Opinion. The corrections are as follows:

- (1) Amended Order page -ii-, line 5 and Amended Opinion page 2, line 4: changed "granting summary judgment against defendant-appellee" to "granting summary judgment in favor of defendant-appellee";
- (2) Amended Order page -ii-, lines 10-11: changed "accompanying Opinion" to "accompanying Amended Opinion";
- (3) Amended Opinion page 4, footnote 3, lines 8-9: changed "this evidence was never presented to the district court" to "this evidence was never presented to the bankruptcy court";

(Footnote 1 continued):

Order of Chief United States Bankruptcy Judge Diane Weiss Sigmund of the United States Bankruptcy Court for the Eastern District of Pennsylvania which denied reconsideration of the bankruptcy court's February 8, 2007 Order and accompanying Memorandum Opinion granting summary judgment in favor of defendant-appellee Ameriquest Mortgage Company in an adversary proceeding; upon consideration of the Brief of Appellants filed May 14, 2007, the Brief of Appellees filed June 15, 2007, the Reply Brief of Appellants filed July 2, 2007; after oral argument held February 1, 2008; and for the reasons expressed in the accompanying Amended Opinion,

(Continuation of Footnote 1):

(4) Amended Opinion page 17, lines 20-22: changed "the identical Complaint was filed in order commence a second adversary proceeding" to "the identical Complaint was filed in order to commence a second adversary proceeding";

(5) Amended Opinion page 23, lines 15-16: changed "whether the 'inextricably intertwined' remains a valid consideration" to "whether the 'inextricably intertwined' factor remains a valid consideration";

(6) Amended Opinion page 29, lines 16-17: changed "must provide evidence that prior to or at loan closing that he or she" to "must provide evidence that prior to or at loan closing he or she";

(7) Amended Opinion page 30, line 9: changed "justifying that lower rate." to "justifying the lower rate."; and

(8) Amended Opinion page 33, lines 3-4: changed "is incorporated by Federal Rule of Bankruptcy Procedure 7015." to "is incorporated in Federal Rule of Bankruptcy Procedure 7015."

In all other respects, except for the date of the Amended Order and the title of the Amended Order and Amended Opinion, the original Order and Opinion remain unchanged.

IT IS ORDERED that the February 8, 2007 Order and the February 27, 2007 Orders of Chief Judge Sigmund are each affirmed.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this matter closed for statistical purposes.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge